RECEIVED
JUN 03 2015
STATE AUDITORS OFFICE

JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

ELECTIONS DIVISION
(573) 751-2301

June 3, 2015

16-065

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Winston Apple regarding a proposed constitutional amendment to Article III (2016-065)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Winston Apple on June 3, 2015.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

Jason Kander

Jason Kander

cc: Hon. Chris Koster
Sheri Hoffman
Barbara Wood

16-065

County:_____
Page number: _____

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021 RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail, or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2016, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot Title)

RECEIVED
2015 JUN -3 AM 9:20
MO SEC. OF STATE

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF _____

I, _____, being first duly sworn, say (print of type names of signers)

NAME (Signature)	Date Signed	REGISTERED VOTING ADDRESS (Street, No PO Boxes)	(City, Town or Village)	Zip Code	Cong Dist	NAME (Print or Typed)
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1.						
2.						
3.						
4.						
5.						

Signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do ____ do not ____ (check one) expect to be paid for circulating this petition. If paid, list the payer: _____.

_____
Signature of Affiant (Person obtaining signatures)

_____
(Printed Name of Affiant)

_____
Address of Affiant

Subscribed and sworn to before me this ____ day of _____, A. D. _____.

_____
Signature of Notary
Address of Notary: _____

_____

Notary Public (Seal)
My commission expires _____

16-065

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article III, Section 2 of the Constitution is repealed and one new section enacted in lieu thereof, to be known as Article III, Section 2, to read as follows:

[**Section 2. Election of representatives—apportionment commission, appointment, duties, compensation.**—The house of representatives shall consist of one hundred sixty-three members elected at each general election and apportioned in the following manner: Within sixty days after the population of this state is reported to the President for each decennial census of the United States and, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within sixty days after notification by the governor that such a ruling has been made, the congressional district committee of each of the two parties casting the highest vote for governor at the last preceding election shall meet and the members of the committee shall nominate, by a majority vote of the members of the committee present, provided that a majority of the elected members is present, two members of their party, residents in that district, as nominees for reapportionment commissioners. Neither party shall select more than one nominee from any one state legislative district. The congressional committees shall each submit to the governor their list of elected nominees. Within thirty days the governor shall appoint a commission consisting of one name from each list to reapportion the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts.

If any of the congressional committees fails to submit a list within such time the governor shall appoint a member of his own choice from that district and from the political party of the committee failing to make the appointment.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final statement of apportionment.

For the purposes of this article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote.

The commissioners so selected shall on the fifteenth day, excluding Sundays and holidays, after all members have been selected, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary and shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

The commission shall reapportion the representatives by dividing the population of the state by the number one hundred sixty-three and shall establish each district so that the population of that district shall, as nearly as possible, equal that figure.

Each district shall be composed of contiguous territory as compact as may be.

Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative plan of apportionment and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons.

Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

After the statement is filed members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided, except that if the statement is not filed within six months of the time fixed for the appointment of the commission, it shall stand discharged and the house of representatives shall be apportioned by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its apportionment plan and map with the secretary of state within ninety days of the date of the discharge of the apportionment commission. Thereafter members of the house of representatives shall be elected according to such districts until a reapportionment is made as herein provided.

Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session but not more than one thousand dollars, and, in addition, shall be reimbursed for his actual and necessary expenses incurred while serving as a member of the commission.

No reapportionment shall be subject to the referendum.]

16-065

Section 2. Election of representatives. The house of representatives shall consist of 50 members, elected by votes cast, in each general election, for a political party, and its ordered list of candidates, or votes cast for independent candidates.

Political parties are free to determine their candidates, and the order in which they will be awarded seats in the house of representatives, through a primary election, caucuses, a statewide party nominating convention, or a combination of caucuses and a statewide party nominating convention.

For a political party having had a candidate for any statewide office receiving one per cent or more of the legal votes in the preceding general election, a primary election will be the default method for selecting candidates. Should a political party determine that they will select candidates for the house from said party by caucuses, statewide party convention, or a combination of caucuses and a statewide party convention, a legally designated representative of the party will notify the secretary of state, in writing, of the method to be used, no later than the first day of April of an election year.

If a political party elects to use a primary election as the means of determining its ordered list of candidates for the general election, all qualified candidates who file for said party's nomination will appear on the primary ballot for that party. Registered voters will be allowed to vote in one, and only one, party's primary election, and for one, and only one, candidate from that party. Based on the results of the primary election, candidates for each political party will be placed in an ordered list, with the candidate receiving the most votes listed first and the remaining candidates listed in descending order based on the number of votes received from highest to lowest total votes. A total of up to fifty candidates for each party will be eligible for seats in the house of representatives based on vote totals in the general election. Should a party elect to nominate candidates for the general election by means of caucuses and/or a statewide party convention, an ordered list of up to fifty candidates representing each political party shall be filed with the secretary of state's office no less than 90 days before the general election date in election years.

A political party having no candidate for statewide office receiving, nor having received as a political party, at least one per cent of the total vote in the preceding general election, may qualify for a place on the ballot by presenting petitions signed by one-half of one per cent of the legal voters, as determined by the total vote for governor in the general election last preceding. Said petitions to be delivered to the secretary of state no later than ninety days preceding the general election. At the time the petitions are presented, the political party will also notify the secretary of state of the method to be used by said party in nominating a slate of candidates.

To qualify for a place on the ballot, an independent candidate must present petitions signed by one-quarter of one percent of the legal voters, as determined by the total vote for governor in the general election last preceding. Said petitions must be delivered to the secretary of state no later than one-hundred and twenty days before the general election.

The signatures on petitions submitted by independent candidates and political parties shall be subject to verification according to the procedures in the code of state regulations for independent candidate petitions in force at the time the petitions are submitted.

In each general election, each voter will cast a single vote for a political party or for a single independent candidate appearing on the ballot, or a single write-in vote for a candidate not appearing on the ballot, having properly registered with the secretary of state as a write-in candidate.

Each political party will receive one seat in the house of representatives for each two percent of the vote received statewide for that party and its ordered list of candidates in the general election (rounded to account for fractions as necessary). Candidates from each political party will be awarded seats based on the ordered list submitted by each political party, with seats awarded, in order, from most votes received to least, by candidates in the primary election, caucuses, or nominating convention of that political party.

For purposes of apportioning seats in the house of representatives, any and all independent candidates will be treated jointly as a political party, with the total number of seats awarded to independent candidates based on the total number of votes cast for all independent candidates in the general election, with seats awarded to that number of independent candidates from an ordered list of all independent candidates, in descending order of the votes cast for each independent candidate, beginning with the independent candidate receiving the most votes.

Should the total number of votes for independent candidates exceed the sum of 2 percent per candidate, all of the independent candidates will be awarded seats and the percentage required for the remaining seats will be recalculated based on the number of seats remaining.

In the event that a representative resigns, dies, or is removed from office for any reason during the subsequent legislative sessions, the seat shall be filled by the next nominee from that party's ordered list of candidates or by the independent candidate who would have been seated next based on the total number of votes cast for independent candidates. In the event that there are no candidates remaining on the ordered list for a political party or from the list of independent candidates, the next candidate who would have been seated according to the system of apportionment described herein shall be seated.

This amendment shall take effect January 1, 2017 and beginning with the selection of candidates and election of representatives in the general election to be held in November of 2018.